

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
S/S Wiseburg Road, 100 ft. W of
S/1 of Bernoudy Road
725 Wiseburg Road
7th Election District
4th Councilmanic District
Howard Glen Miller, et ux
Petitioners
* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-5-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A03.4.b.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 ft., in lieu of the required 50 ft., for a covered carport, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of August, 1992 that the Petition for a Zoning Variance from Section 1A03.4.b.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 4 ft., in lieu of the required 50 ft., for a covered carport, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 11, 1992

Mr. and Mrs. Howard Glen Miller
725 Wiseburg Road
White Hall, Maryland 21161

RE: Petition for Residential Zoning Variance
Case No. 93-5-A

Dear Mr. and Mrs. Miller:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 725 Wiseburg Road, White Hall, Md 21161
which is presently zoned RC4

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A03.4.b.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a sideyard setback of 4 feet instead of the required 50 feet. For purposes of addition of a covered carport.

1. To place addition in back of house would be too close to septic system.
2. Neighbors do not object to proposed addition.
3. Addition in spirit of ordinance, conforms with house design, open in nature.
4. Wife near retirement, has health problems, necessitating carport addition closer to house than present driveway.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zipcode
Phone No.
Name
Address
City State Zipcode
Phone No.

Howard Glen Miller
725 Wiseburg Rd
White Hall, Md., 21161
Howard G. Miller
725 Wiseburg Road, White Hall, Md 21161

Work 527-4081
Home 357-3083
Work 527-4081
Home 357-3083

A Public Hearing having been requested and/or held as required, it is ordered by the Zoning Commissioner of Baltimore County, this 11th day of August, 1992, that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County, at the new property of general circulation throughout Baltimore County, and that the property be reported.

REVIEWED BY: E.O. DATE: 7/6/92
ESTIMATED POSTING DATE: 7/26/92

ITEM #:

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 725 Wiseburg Rd, White Hall, Md 21161
which is presently zoned RC4

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Contact Purchaser/Lessee
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zipcode
Phone No.

Howard Glen Miller
725 Wiseburg Rd
White Hall, Md 21161
Howard G. Miller
725 Wiseburg Rd, White Hall, Md 21161

Work 527-4081
Home 357-3083
Work 527-4081
Home 357-3083

A Public Hearing having been requested and/or held as required, it is ordered by the Zoning Commissioner of Baltimore County, this 11th day of August, 1992, that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reported.

Zoning Commissioner of Baltimore County

REVIEWED BY: E.O. DATE: 7/6/92
ESTIMATED POSTING DATE: 7/26/92

ITEM #:

APPLICATION OF HOWARD G. & MARY F. MILLER FOR AN
ADMINISTRATIVE ZONING VARIANCES TO PERMIT A SIDEYARD SETBACK
OF FOUR FEET. JULY 6, 1992

DESCRIPTION OF PROPERTY

Beginning at a point on the South side of Wiseburg Road which is 24 feet wide at the distance of approximately 1000 feet West of the centerline of the nearest improved intersecting street which is Bernoudy Road which is 24 feet wide. Being recorded as Deed Liber 3724 Folio 445 and includes measurements of N. 65° W. of 100', N. 8 1/2° W 455' by N. 56° E., 62', by S. 2° E., of 256.6' by S. 3° 20', 283.4' to the place of beginning, containing approximately 47600 square feet.

Also known as 725 Wiseburg Road and located in the 7th Election District of Baltimore County.

PROPDREC

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: 7/21/92
Posted for: Variance
Petitioner: Howard & Mary Miller
Location of property: 725 Wiseburg Rd, White Hall, Md 21161
Location of Signs: 725 Wiseburg Rd, White Hall, Md 21161
Remarks:
Posted by: [Signature]
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 107417
DATE: 7/6/92 ACCOUNT: R-001-6150
COMPUTER DOWN AMOUNT: \$ 85.00
RECEIVED FROM: HOWARD G. MILLER
FOR: ADMIN. VARIANCE
DA04A00191CHRC \$85.00
DA 0002-110MERSA-02
VALIDATION OR SIGNATURE OF CARRIER

Account: R-001-6150
MILLER, G. (11)
QTY PRICE
X \$50.00
X \$35.00
TOTAL \$85.00

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
August 6, 1992 (410) 887-3353

Mr. & Mrs. Howard G. Miller
725 Wiseburg Road
White Hall, MD 21162

RE: Item No. Work#1, Case No. 93-5-A
Petitioner: Howard G. Miller, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. Miller:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 6th day of July, 1991.

Received By:
W. Carl Reinhold
CHAIRMAN,
ZONING PLANS ADVISORY COMMITTEE

Petitioner: Howard G. Miller, et ux
Petitioner's Attorney:

7/18/92 7099-92
g/

SPM/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature _____ Date 7/27/92

Project Name _____
File Number _____ Waiver Number _____ Zoning Issue _____ Meeting Date _____

Stonegate at Patapsco (Azeal Property)
90476 ZON DED TE (Waiting for developer to submit plans first)
COUNT 1

Howard Glen And Mary F. Miller Work #1 7-20-92 NC
DED DEPRM RP STP TE
Kimberly Woods Village, Inc. Work #2 NC
DED DEPRM RP STP TE
David F. And Frances Kelly Work #3 NC
DED DEPRM RP STP TE Richard G. And Connie S. Rutherford Work #4 NC
DED DEPRM RP STP TE
Owings Run Apartments
91360 DED DEPRM (SWM) (EIRD)
COUNT 5
FINAL TOTALS
COUNT 6
*** END OF REPORT ***

DED has not received plans for review.

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief Development Review Section
Office of Planning and Zoning

DATE: JULY 21, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - July 20, 1992

The Office of Planning and Zoning has no comments on the following petitions:

/ David F. Kelly - Item 1
/ Howard Glen Miller - Item 3

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

20.92.txt
Petitns.txt

RECEIVED
JUL 28 1992
ZONING OFFICE

7/18/92 g/

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature _____ Date 7/27/92

Project Name _____
File Number _____ Waiver Number _____ Zoning Issue _____ Meeting Date _____

Stonegate at Patapsco (Azeal Property)
90476 ZON DED TE (Waiting for developer to submit plans first)
COUNT 1

Howard Glen And Mary F. Miller Work #1 N/C 7-20-92
DED DEPRM RP STP TE
Kimberly Woods Village, Inc. Work #2 N/C
DED DEPRM RP STP TE
David F. And Frances Kelly Work #3 N/C
DED DEPRM RP STP TE Richard G. And Connie S. Rutherford Work #4 M/T
DED DEPRM RP STP TE
COUNT 4
FINAL TOTALS
COUNT 5
*** END OF REPORT ***

93-5-A Miller 7250-92
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director Zoning Administration and Development Management DATE: July 27, 1992

FROM: J. Lawrence Pilsen, Development Coordinator, DEPRM

SUBJECT: Zoning Item *Work #1
#725 Wiseburg Road
Zoning Advisory Committee Meeting of July 20, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:sp
JABLON/S/TXTSBP

RECEIVED
JUL 28 1992
ZONING OFFICE

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500 JULY 23, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: HOWARD GLEN MILLER AND MARY F. MILLER
Location: #725 WISEBURG ROAD
Item No.: * WORK #1 (LEO) Zoning Agenda: JULY 20, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Noted and Approved _____
Fire Prevention Bureau

JP/REK

RECEIVED
JUL 27 1992
ZONING OFFICE

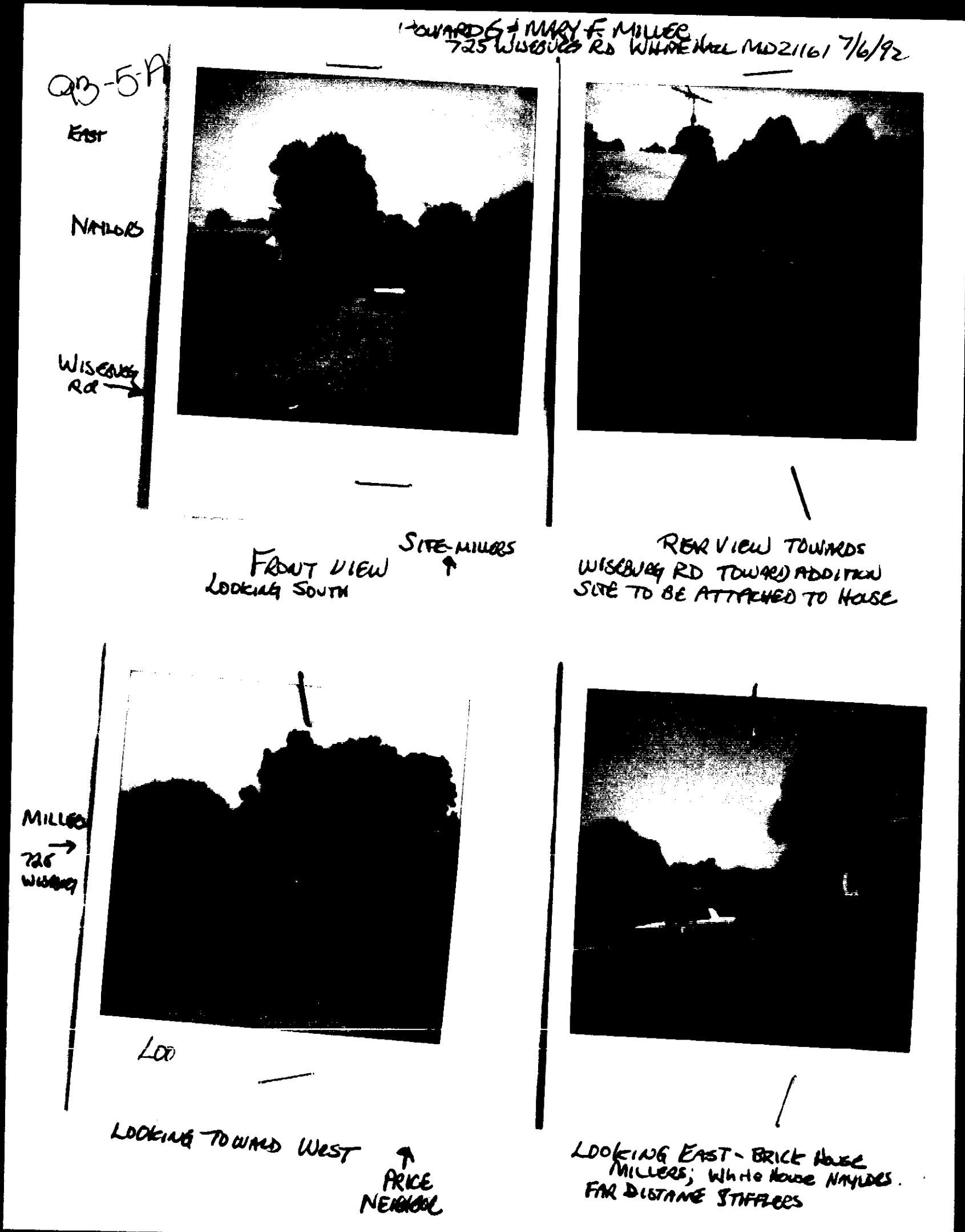
7/18/92 g/

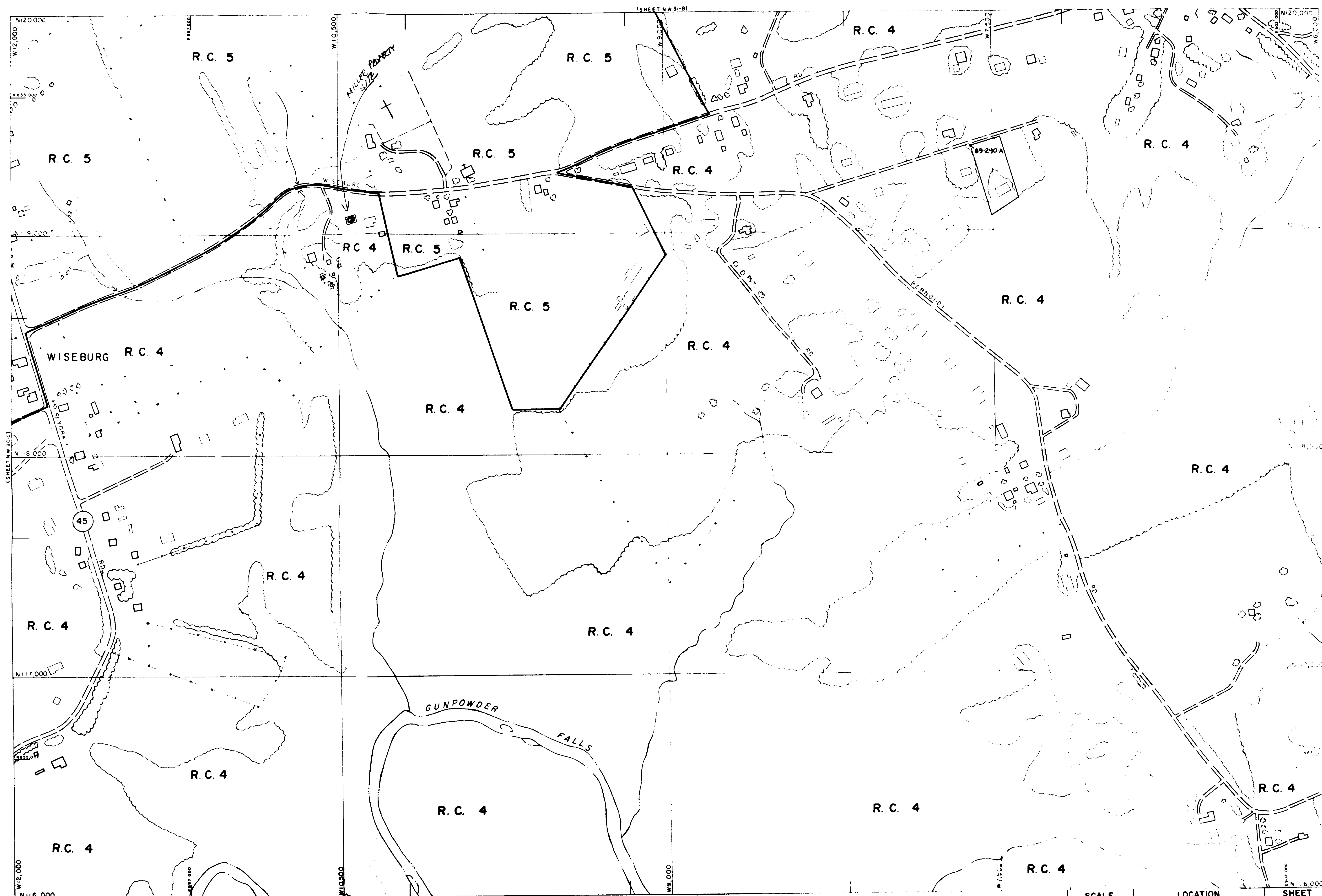
Development Review Committee Response Form
Authorized signature _____ Date 7/27/92

Project Name _____
File Number _____ Waiver Number _____ Zoning Issue _____ Meeting Date _____

Howard Glen And Mary F. Miller Work #1 7-20-92
DED DEPRM RP STP TE
Kimberly Woods Village, Inc. Work #2
DED DEPRM RP STP TE
David F. And Frances Kelly Work #3
DED DEPRM RP STP TE Richard G. And Connie S. Rutherford Work #4
DED DEPRM RP STP TE
COUNT 4
FINAL TOTALS
COUNT 4
*** END OF REPORT ***

RECEIVED
JUL 28 1992
ZONING OFFICE





HH - NE
KK - SE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
BMC Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

Application of
HOWARD G. & MARY F. NINEZ
735 WISEBURG RD
WHITE HALL, MD 21161

SCALE 1" = 200'	LOCATION WISEBURG	SHEET NW 30-B
DATE OF PHOTOGRAPHY JANUARY 1986		

Q3-5-A